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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

UTAH LIGHTHOUSE MINISTRY, INC.,
a Utah Corporation,

Plaintiff,

v.

DISCOVERY COMPUTING, INC., an
Arizona Corporation and **ALLEN L.
WYATT**, an individual, **DEBRA M.
WYATT**, an individual, **THE
FOUNDATION FOR APOLOGETIC
INFORMATION & RESEARCH (FAIR)**,
a New York Corporation and **SCOTT
GORDON**, an individual, and **DOES 1-10**,
inclusive,

Defendants.

COMPLAINT

Civil No. _____

Honorable: _____

Jury Trial Requested

Plaintiff, UTAH LIGHTHOUSE MINISTRY, INC. through its counsel hereby complains
of Defendants DISCOVERY COMPUTING, INC., ALLEN L. WYATT, DEBRA M. WYATT,

THE FOUNDATION FOR APOLOGETIC INFORMATION & RESEARCH, SCOTT GORDON and DOES 1-10, inclusive, and for causes of action alleges as follows:

NATURE OF THE ACTION

1. In this action, UTAH LIGHTHOUSE MINISTRY, INC. seeks damages and preliminary and permanent injunctive relief for acts of cybersquatting, trademark infringement, trademark dilution and unfair competition in violation of the laws of the United States of America and the State of Utah. DISCOVERY COMPUTING, INC., ALLEN L. WYATT, DEBRA M. WYATT, THE FOUNDATION FOR APOLOGETIC INFORMATION & RESEARCH and SCOTT GORDON (hereinafter collectively referred to as “Defendants”) have deliberately infringed, diluted and cybersquatted on UTAH LIGHTHOUSE MINISTRY, INC.’s invaluable rights in the UTAH LIGHTHOUSE mark and their founder’s personal names, SANDRA TANNER™ and JERALD TANNER™ and continue to do so through the registration and commercial exploitation for profit of at least thirteen (13) Internet domain names, including utahlighthouse.com, sandratanner.com, utahlighthouseministry.com, geraldanner.com, geraldanner.org, utahlighthouse.org, utahlighthouseministry.org, sandratanner.org, jeraldanner.com, jeraldanner.org, utahlighthouse.info, jeraldanner.info and sandratanner.info, and Web sites posted thereon.

PARTIES

2. Plaintiff, UTAH LIGHTHOUSE MINISTRY, INC. (hereinafter “UTLM”) is a Section 501(c)(3) non-profit corporation duly organized and existing under the laws of the State of Utah, with a registered business office at 1358 South West Temple Street, Salt Lake City, Utah 84115.

3. Upon information and belief, defendant, DISCOVERY COMPUTING, INC. is a corporation duly organized and existing under the laws of the State of Arizona, with a registered business office at 1256 South Almar Circle, Mesa, Arizona 85204 and a mailing address of P.O. Box 2145, Mesa, Arizona 85214. Individual defendants ALLEN L. WYATT and DEBRA M. WYATT are directors of DISCOVERY COMPUTING, INC. and reside at 1256 South Almar Circle, Mesa, Arizona 85204. DISCOVERY COMPUTING, INC., ALLEN L. WYATT and DEBRA M. WYATT are collectively referred herein as “DCI”.

4. Upon information and belief, defendant, THE FOUNDATION FOR APOLOGETIC INFORMATION & RESEARCH, hereinafter referred to as “FAIR”, is a corporation duly organized and existing under the laws of the State of New York, with a service of process address at 2115 Matthews Avenue, Bronx, New York, 10462 and a mailing address at P.O. Box 2144, Mesa, Arizona 85214.

5. Upon information and belief, defendant, SCOTT GORDON, is the President of FAIR and resides in Davis, California, with a telephone number (530) 246-5664, facsimile number (530) 243-2825 and mailing address of P.O. Box 1277, Felton, California 95018-1277.

JURISDICTION AND VENUE

6. Jurisdiction of this Court arises under the Trademark/Unfair Competition Laws of the United States, including 15 U.S.C. ' 1111 *et seq.* and 28 U.S.C.A. ' 1338(b) for the unfair competition claims herein in that said claims are joined with a substantial and related claim under the Trademark Laws of the United States, 15 U.S.C.A. ' 1051 *et seq.*

7. This Court also has supplemental jurisdiction under 28 U.S.C. ' 1367 of the unfair competition claims under Utah Code Annotated ' 13-5a-101 *et seq.*, for the claims of deceptive trade practices under Utah Code Annotated ' 13-11-1 *et seq.*

8. Venue is proper in this judicial district pursuant to 28 U.S.C. ' 1391(b)(2) because a substantial part of the events or omissions giving rise to the claims occurred within this District.

BACKGROUND FACTS

9. UTLM is and, at all times relevant to the matters alleged in this Complaint, has been engaged in the business of providing access to information in the form of books, online books, newsletters and Internet web site, writing, publishing, selling, and distributing books relating to Christianity and, in particular, critically analyzing the history and doctrines associated with Mormonism.

10. UTLM was originally founded as a commercial business under the name Modern Microfilm Co. by Jerald and Sandra Tanner. UTLM was reorganized and registered in the State of Utah as a non-profit corporation on September 13, 1982.

11. Jerald and Sandra Tanner were both raised in the Church of Jesus Christ of Latter-day Saints (LDS), commonly know as the Mormon faith. As teenagers and before they met each other, Jerald and Sandra Tanner were challenged by various people and events to examine the origins of Mormonism. Soon after their introduction to each other, Jerald and Sandra Tanner jointly began researching Mormonism, became engaged and married. Both Jerald and Sandra Tanner have since left the Mormon Church and are now active members of a Christian church in Salt Lake City.

12. Since the founding of UTLM, the Tanners have co-authored at least 45 books on the subject of Mormonism. Jerald and Sandra Tanner are well known for their extensive research into Mormon history and doctrine among adherents of their beliefs and consumers of their books as well as by their detractors. Jerald and Sandra Tanner have always been closely associated with UTLM since its founding. The names of founders SANDRA TANNER™ and JERALD TANNER™ have been used by and associated with UTLM from its inception.

13. On or about September 17, 1997, UTLM registered the domain name www.utlm.org and caused an Internet Web site, www.utlm.org, to be hosted thereon. A copy of the home page for UTLM's Web site, www.utlm.org, is attached hereto as Exhibit 1 and incorporated by reference herein as though fully set forth at length.

14. UTLM offers visitors to its Web Site, www.utlm.org, access to the UTLM newsletter, SALT LAKE CITY MESSENGER, Online Resources, Online Books, Booklist and Order/Contact information, among other things; see Exhibit 1.

15. UTLM has been using the marks UTAH LIGHTHOUSE™ and the names of its founders SANDRA TANNER™ and JERALD TANNER™ in commerce since at least as early as September 13, 1982.

16. User access to significant amounts of the information provided by the UTLM on its Web Site, www.utlm.org, is free of charge. For example, to receive the UTLM newsletter, SALT LAKE CITY MESSENGER, a recipient need only provide a mailing address.

17. UTLM provides users of its information the opportunity to donate money to help defray the cost of publishing and mailing its newsletters and other information. Such donations are tax deductible because of UTLM's non-profit status.

18. In addition to charitable donations, UTLM also generates revenue from the sale of books through its online, or virtual, bookstore at the UTLM Web Site, www.utlm.org, and through its "bricks and mortar" bookstore at 1358 South West Temple, Salt Lake City, Utah 84115.

19. Defendant ALLEN L. WYATT is President, CEO and a Director of Discovery Computing, Inc., having a physical address at 1256 South Almar Circle, Mesa, Arizona 85204. Defendant DEBRA M. WYATT is Secretary and a Director of Discovery Computing, Inc.

20. A copy of the Arizona business registration information for DCI is attached hereto as Exhibit 2 and incorporated by reference herein as though fully set forth at length.

21. Exhibit 3, attached hereto and incorporated by reference herein as though fully set forth at length, is a copy of the DCI Web site home page, dcomp.com. On information and

belief, the services offered by Discovery Computing, Inc. include computer authoring, publishing consulting and Internet advertising services.

22. On information and belief, ALLEN L. WYATT and his company, Discovery Computing, Inc., also provide Web site registration services for its customers.

23. Exhibit 4, attached hereto and incorporated by reference herein as though fully set forth at length, is a copy of the email directory Web page from the DCI, Web site. The mailing address for DCI is: P.O. Box 2145, Mesa, AZ 85214.

24. On information and belief, one of DCI's customers is FAIR. FAIR operates two Web sites, fairlds.org and blacklds.org. FAIR is the registrant of both Web sites as shown in the copies of the Whois domain name records for domain names fairlds.org and blacklds.org attached hereto as Exhibits 5-6, respectively, which are incorporated by reference herein as though fully set forth at length. ALLEN L. WYATT and DISCOVERY COMPUTING, INC. are listed as the registrant and administrative organization, respectively, for both domain names fairlds.org and blacklds.org, see Exhibits 5-6.

25. On information and belief, FAIR has also registered the domain names fairlds.com and fair-lds.org. On information and belief, ALLEN L. WYATT and/or DISCOVERY COMPUTING, INC. registered the domain names fairlds.com and fair-lds.org on behalf of FAIR. Copies of the Whois domain name records for domain names fairlds.com and fair-lds.org are attached hereto as Exhibits 7-8, respectively, and are incorporated by reference herein as though fully set forth at length.

26. Exhibit 9, attached hereto and incorporated by reference herein as though fully set forth at length, is the home page of FAIR's Web site, fairlds.org. As stated on the FAIR Web site, "FAIR is a non-profit organization dedicated to providing well-documented answers to criticisms of LDS (Mormon) doctrine, belief and practice." FAIR's Web site offers viewers access to FAIR Publications, opportunities to join and support FAIR, Message Boards, and an online bookstore offering LDS books, see Exhibit 9.

27. Exhibit 10, attached hereto and incorporated by reference herein as though fully set forth at length, is the contact information Web page from FAIR's Web site. ALLEN L. WYATT is the Editor and Web Master for FAIR, see Exhibit 9.

28. Exhibit 11, attached hereto and incorporated by reference herein as though fully set forth at length, is a GuideStar™ database entry for FAIR compiled by Philanthropic Research, Inc. available at guidestar.org. Defendants SCOTT GORDON and ALLEN WYATT are listed under the Board of Directors for FAIR.

29. FAIR organizes and conducts a national conference every year in the Salt Lake City, Utah area; see the Programs section of the second page of Exhibit 11 as identified by the URL http://www.guidestar.org/search/full_report/index.jsp.

30. Exhibit 12, attached hereto and incorporated by reference herein as though fully set forth at length, is a description of the 2004 FAIR conference held August 5-6, 2004 at the South Towne Exposition Center, Sandy, Utah.

31. On or about August 15, 2002, ALLEN L. WYATT sent Sandra Tanner a letter, attached hereto as Exhibit 13 and incorporated by reference herein as though fully set forth at

length, requesting information from Sandra Tanner and UTLM including: (1) Sandra Tanner's original handwritten notes regarding her early LDS research (prior to 1970), (2) handwritten copies of Sandra's personal journals, (3) handwritten copies of Jerald's personal journals, (4) all of UTLM's publications between 1959 and 1999, and (5) copies of profit and loss statements or tax returns for Modern Microfilm and Utah Lighthouse Ministry, through 1999. ALLEN L. WYATT included a \$40 check made to the order of UTLM to reimburse UTLM for the costs of producing the requested copies. A copy of ALLEN L. WYATT's check is also shown in Exhibit 13.

32. On or about August 20, 2002, Sandra Tanner responded by letter to ALLEN L. WYATT, see Exhibit 14 attached hereto and incorporated by reference herein as though fully set forth at length. Responsive to ALLEN L. WYATT's request, Sandra Tanner provided copies of the 990 Forms for Utah Lighthouse Ministry for the years 1983-99, see Exhibit 14. Sandra Tanner also provided a refund check in the amount of \$20 made to the order of Allen Wyatt, as shown in Exhibit 14, for overpayment.

33. On or about August 26, 2002, ALLEN L. WYATT sent Sandra Tanner another letter with the refund check of \$20 enclosed and requesting additional information, see Exhibit 15 attached hereto and incorporated by reference herein as though fully set forth at length.

34. On or about September 12, 2002, Sandra Tanner again responded to ALLEN L. WYATT by letter, again including the refund check of \$20 and providing additional information about the origins of the Utah Lighthouse Ministry and royalties received for books, see Exhibit 16 attached hereto and incorporated by reference herein as though fully set forth at length.

35. On or about November 19, 2003, ALLEN L. WYATT registered the domain name, utahlighthouse.com, see copy of Whois domain name registration record attached hereto as Exhibit 17 and incorporated by reference herein as though fully set forth at length.

36. On or after November 19, 2003, ALLEN L. WYATT caused a Wyatt Web site to be hosted for the domain name utahlighthouse.com. Exhibit 18 attached hereto and incorporated by reference herein as though fully set forth at length is the home page of said Wyatt Web site that was hosted at utahlighthouse.com.

37. The hypertext markup language (HTML) source code for the Wyatt Web site shown in Exhibit 18 is attached hereto as Exhibit 19 and incorporated by reference herein as though fully set forth at length. Note that the terms “Tanner”, “Tanners”, “Sandra Tanner” and “Jerald Tanner” are all included in the Meta tags section of the HTML source code, see Exhibit 19.

38. Words found in Meta tags of HTML source code are not shown on the Web page displayed by a Web browser viewing said Web page and may be used by Internet Search Engines, *e.g.*, Google™, Yahoo™ and the like, to locate Web pages relevant to the search terms entered by a user.

39. On or about November 19, 2003, ALLEN L. WYATT registered the domain name, sandratanner.com, see copy of Whois domain name registration record attached hereto as Exhibit 20 and incorporated by reference herein as though fully set forth at length.

40. On or after November 19, 2003, ALLEN L. WYATT caused a Wyatt Web site to be hosted for the domain name sandratanner.com, see the home page of said Wyatt Web site

attached hereto as Exhibit 21 and incorporated by reference herein as though fully set forth at length.

41. On or about November 19, 2003, ALLEN L. WYATT registered the domain name, utahlighthouseministry.com, see copy of Whois domain name registration record attached hereto as Exhibit 22 and incorporated by reference herein as though fully set forth at length.

42. On or after November 19, 2003, ALLEN L. WYATT caused a Wyatt Web site to be hosted for the domain name utahlighthouseministry.com, see the home page of said Wyatt Web site attached hereto as Exhibit 23 and incorporated by reference herein as though fully set forth at length.

43. On or about November 19, 2003, ALLEN L. WYATT registered the domain name, geraldanner.com, see copy of Whois domain name registration record attached hereto as Exhibit 24 and incorporated by reference herein as though fully set forth at length.

44. On or after November 19, 2003 and on information and belief, ALLEN L. WYATT caused another Wyatt Web site to be hosted for, or redirected from, the domain name geraldanner.com.

45. On or about November 20, 2003, ALLEN L. WYATT registered the domain name, geraldanner.org, see copy of Whois domain name registration record attached hereto as Exhibit 25 and incorporated by reference herein as though fully set forth at length.

46. On or after November 20, 2003 and on information and belief, ALLEN L. WYATT caused another Wyatt Web site to be hosted for, or redirected from, the domain name geraldanner.org.

47. On or about November 20, 2003, ALLEN L. WYATT registered the domain name, utahlighthouse.org, see copy of Whois domain name registration record attached hereto as Exhibit 26 and incorporated by reference herein as though fully set forth at length.

48. On or after November 20, 2003, ALLEN L. WYATT caused a Wyatt Web site to be hosted for the domain name utahlighthouse.org, see the home page of said Wyatt Web site attached hereto as Exhibit 27 and incorporated by reference herein as though fully set forth at length.

49. On or about November 20, 2003, ALLEN L. WYATT registered the domain name, utahlighthouseministry.org, see copy of Whois domain name registration record attached hereto as Exhibit 28 and incorporated by reference herein as though fully set forth at length.

50. On or after November 20, 2003, ALLEN L. WYATT caused a Wyatt Web site to be hosted for the domain name utahlighthouseministry.org, see the home page of said Wyatt Web site attached hereto as Exhibit 29 and incorporated by reference herein as though fully set forth at length.

51. On or about November 20, 2003, ALLEN L. WYATT registered the domain name, sandratanner.org, see copy of Whois domain name registration record attached hereto as Exhibit 30 and incorporated by reference herein as though fully set forth at length.

52. On or after November 20, 2003, ALLEN L. WYATT caused a Wyatt Web site to be hosted for the domain name sandratanner.org, see the home page of said Wyatt Web site attached hereto as Exhibit 31 and incorporated by reference herein as though fully set forth at length.

53. On or about December 14, 2003, ALLEN L. WYATT registered the domain name, jeraldtanner.com, see copy of Whois domain name registration record attached hereto as Exhibit 32 and incorporated by reference herein as though fully set forth at length.

54. On or after December 14, 2003, ALLEN L. WYATT caused a Wyatt Web site to be hosted for the domain name jeraldtanner.com, see the home page of said Wyatt Web site attached hereto as Exhibit 33 and incorporated by reference herein as though fully set forth at length.

55. On or about December 15, 2003, ALLEN L. WYATT registered the domain name, jeraldtanner.org, see copy of Whois domain name registration record attached hereto as Exhibit 34 and incorporated by reference herein as though fully set forth at length.

56. On or after December 15, 2003, ALLEN L. WYATT caused a Wyatt Web site to be hosted for the domain name jeraldtanner.org, see the home page of said Wyatt Web site attached hereto as Exhibit 35 and incorporated by reference herein as though fully set forth at length.

57. On or about September 28, 2004, ALLEN L. WYATT registered the domain name, utahlighthouse.info, see copy of Whois domain name registration record attached hereto as Exhibit 36 and incorporated by reference herein as though fully set forth at length.

58. On or after September 28, 2004 and on information and belief, ALLEN L. WYATT caused another Wyatt Web site to be hosted for, or redirected from, the domain name utahlighthouse.info.

59. On or about September 28, 2004, ALLEN L. WYATT registered the domain name, jeraldtanner.info, see copy of Whois domain name registration record attached hereto as Exhibit 37 and incorporated by reference herein as though fully set forth at length.

60. On or after September 28, 2004 and on information and belief, ALLEN L. WYATT caused a Wyatt Web site to be hosted for, or redirected from, the domain name jeraldtanner.info.

61. On or about September 29, 2004, ALLEN L. WYATT registered the domain name, sandratanner.info, see copy of Whois domain name registration record attached hereto as Exhibit 38 and incorporated by reference herein as though fully set forth at length.

62. On or after September 29, 2004 and on information and belief, ALLEN L. WYATT caused another Wyatt Web site to be hosted for, or redirected from, the domain name sandratanner.info.

63. On information and belief, Defendant, DEBRA M. WYATT, by virtue of her position as a Director of DISCOVERY COMPUTING, INC., is fully aware of the acts of ALLEN L. WYATT and DISCOVERY COMPUTING, INC., including the registration of the domain names utahlighthouse.com, sandratanner.com, utahlighthouseministry.com, geraldttanner.com, geraldttanner.org, utahlighthouse.org, utahlighthouseministry.org, sandratanner.org, jeraldtanner.com, jeraldtanner.org, utahlighthouse.info, jeraldtanner.info and sandratanner.info and the hosting of the Wyatt Web sites thereon, and the consequent directing of potential customers or Internet traffic to the FAIR Web site.

64. Defendants ALLEN L. WYATT, DEBRA M. WYATT, DISCOVERY COMPUTING, INC., THE FOUNDATION FOR APOLOGETIC INFORMATION & RESEARCH AND SCOTT GORDON have no trademark or any other intellectual property rights in the domain names utahlighthouse.com, sandratanner.com, utahlighthouseministry.com, geraldanner.com, geraldanner.org, utahlighthouse.org, utahlighthouseministry.org, sandratanner.org, jeraldanner.com, jeraldanner.org, utahlighthouse.info, jeraldanner.info and sandratanner.info.

65. The domain names utahlighthouse.com, sandratanner.com, utahlighthouseministry.com, geraldanner.com, geraldanner.org, utahlighthouse.org, utahlighthouseministry.org, sandratanner.org, jeraldanner.com, jeraldanner.org, utahlighthouse.info, jeraldanner.info and sandratanner.info do not consist of the legal name or any other name commonly used to identify any of the Defendants, either in their individual capacities or under fictitious names under which they do business.

66. The Defendants have not used the domain names utahlighthouse.com, sandratanner.com, utahlighthouseministry.com, geraldanner.com, geraldanner.org, utahlighthouse.org, utahlighthouseministry.org, sandratanner.org, jeraldanner.com, jeraldanner.org, utahlighthouse.info, jeraldanner.info and sandratanner.info in connection with the bona fide offering of any goods or services prior to registering said domain names.

67. On information and belief, the HTML source code as shown in Exhibit 17 for the Wyatt Web sites as shown in Exhibits 18, 21, 23, 25, 27, 29, 31 and 33 and any and all Wyatt Web sites which may have been posted at some time in the past on any of the domain names

utahlighthouse.com, sandratanner.com, utahlighthouseministry.com, geraldanner.com, geraldanner.org, utahlighthouse.org, utahlighthouseministry.org, sandratanner.org, jeraldanner.com, jeraldanner.org, utahlighthouse.info, jeraldanner.info and sandratanner.info (collectively hereinafter “the Wyatt Web sites”) are all substantially identical.

68. The Wyatt Web sites, as shown in Exhibits 18, 21, 23, 27, 29, 31, 33 and 35, also bear a remarkable resemblance or “look and feel” to the UTLM Web site, utlm.org, which was hosted prior to the Wyatt Web sites, compare to Exhibit 1. Similarities between the Wyatt Web sites and the UTLM Web site include:

- (a) Top center: a box with “Utah Lighthouse Ministry” stylized and shadowed font.
- (b) Top center beneath the box in paragraph (a) above: a bolded welcome statement purporting to be the/an official Website of/about the Utah Lighthouse Ministry founded by Jerald and Sandra Tanner followed by a purpose statement unbolded.
- (c) Center: three quotes from the bible each separated by lines, one on top of the next.
- (d) Center right: an image of a lighthouse with barber pole strips in helical fashion around the lighthouse.
- (e) Center left: a background image of the lighthouse shown in paragraph (d) above and including overlaid text with hyperlinks to other Web pages.
- (f) Bottom center: a framed quote.

(g) The layout of the purely aesthetic (*i.e.*, lighthouse graphic) and of the functional features (*i.e.*, hyperlinks, etc.) of the UTLM Web site is arbitrary and aesthetically pleasing. The layout of such corresponding purely aesthetic and functional features of the UTLM Web site are almost identically mimicked or copied in the Wyatt Web sites.

69. The Wyatt Web sites further include links underneath the biblical quotes noted in paragraph 68(c) above. One of the two links purports to be “Articles about the Tanners,” the other purports to be “Books by the Tanners.”

70. On information and belief, visitors to the Wyatt Web sites who click on the “Articles about the Tanners” link are given a selection of hyperlinks to articles posted on the FAIR Web site, fairlds.org, see Exhibit 9.

71. On information and belief, visitors to the Wyatt Web sites who click on the “Books by the Tanners” link are given a selection of hyperlinks to additional articles, one of which is posted on the FAIR Web site, the other links are to FARMS—a BYU group.

72. The Wyatt Web sites have two other links as noted in paragraph 68(c) above. The “Click this Lighthouse to see Reliable Information About the LDS Church” link takes visitors to the FAIR Web site home page, Exhibit 9. The “Click the Lighthouse’s base for the Official LDS Site” link takes users to lds.org.

73. Exhibit 39, attached hereto and incorporated by reference herein as though fully set forth at length, is the Web page behind the “FAIR LDS Bookstore” link of the FAIR Web site, fairlds.org, as shown in Exhibit 9. Users who click on the “FAIR LDS Bookstore” link are

offered the opportunity to purchase books competing for the same audience as those offered by UTLM (*i.e.*, persons seeking information about Mormonism).

74. Internet users who are seeking information and resources promoted by UTLM may be unaware of the true origin of the content of the Wyatt Web sites hosted on the domain names utahlighthouse.com, sandratanner.com, utahlighthouseministry.com, geraldtanner.com, geraldtanner.org, utahlighthouse.org, utahlighthouseministry.org, sandratanner.org, geraldtanner.com, geraldtanner.org, utahlighthouse.info, geraldtanner.info and sandratanner.info.

75. Internet users who are seeking information and resources promoted by UTLM may be misled to believe that the UTLM endorses the content of the Wyatt Web sites hosted on the domain names utahlighthouse.com, sandratanner.com, utahlighthouseministry.com, geraldtanner.com, geraldtanner.org, utahlighthouse.org, utahlighthouseministry.org, sandratanner.org, geraldtanner.com, geraldtanner.org, utahlighthouse.info, geraldtanner.info and sandratanner.info.

76. SCOTT GORDON, in his capacity as President of FAIR is fully aware that ALLEN L. WYATT and/or DCI has registered the domain names utahlighthouse.com, sandratanner.com, utahlighthouseministry.com, geraldtanner.com, geraldtanner.org, utahlighthouse.org, utahlighthouseministry.org, sandratanner.org, geraldtanner.com, geraldtanner.org, utahlighthouse.info, geraldtanner.info and sandratanner.info and hosted the Wyatt Web sites on those domain names and consequently directed traffic to FAIR's Web site by hyperlinks on the Wyatt Web sites.

77. FAIR benefits from the increased sales of books generated by Internet traffic sent to the FAIR Web site by hyperlinks on the Wyatt Web sites. Conversely, UTLM loses potential Internet traffic to its Web site because of the acts of the Defendants.

78. Upon information and belief, the Defendants have not and do not use Plaintiff's marks, UTAH LIGHTHOUSE™, SANDRA TANNER™ and JERALD TANNER™ in the Wyatt web sites accessible under the domain names utahlighthouse.com, sandratanner.com, utahlighthouseministry.com, geraldanner.com, geraldanner.org, utahlighthouse.org, utahlighthouseministry.org, sandratanner.org, jeraldanner.com, jeraldanner.org, utahlighthouse.info, jeraldanner.info and sandratanner.info in any way constituting a *bona fide* noncommercial or fair use of Plaintiff's marks.

79. On or about January 5, 2004, UTLM received an email, a copy of which is attached hereto as Exhibit 40 and incorporated by reference herein as though fully set forth at length, from a customer of UTLM, Sarah Salazar, who indicated "that when you type in utahlighthouse.com [Exhibit 18] or even utahlighthouseministries.com [sic] you're redirected to an anti-utlm site, which looks EXACTLY like your site!!!"

80. On or about July 13, 2004, UTLM received an email, a copy of which is attached hereto as Exhibit 41 and incorporated by reference herein as though fully set forth at length, from another customer, Bill Peters, informing the UTLM "that the website utahlighthouse.com [Exhibit 18] is a hacked site paroding [sic] and slamming this site."

81. On or about December 12, 2004, UTLM received an email, a copy of which is attached hereto as Exhibit 42 and incorporated by reference herein as though fully set forth at

length, from yet another customer, Harriet, expressing confusion with the questions: “Fake Tanner site?” and “What’s up with this?” in reference to sandratanner.com, see Exhibit 21.

82. On or about December 13, 2004, UTLM received an email, a copy of which is attached hereto as Exhibit 43 and incorporated by reference herein as though fully set forth at length, from yet another customer, Dave Morris, noting a “Violation of your copyrights”, in reference to sandratanner.com, see Exhibit 21.

83. On or about December 13, 2004, UTLM received an email, a copy of which is attached hereto as Exhibit 44 and incorporated by reference herein as though fully set forth at length, from yet another customer, James McCall, signed “mikel”, stating the question “Have you see the site www.sandratanner.com?”, see Exhibit 21, and further stating “Not much info there but whoever did it, did a good job copying it.”

84. On or about January 16, 2005, UTLM received an email, a copy of which is attached hereto as Exhibit 45 and incorporated by reference herein as though fully set forth at length, from yet another customer, Paul Depenau, stating in the subject line “I assume you are aware of this Website...” and in the body of the email stating “As an FYI, I wanted to pass along this Web address... <http://www.utahlighthouse.org/> [see, Exhibit 27] I assume you already knew about it, but just in case you didn’t, you really should have a look. If that isn’t illegal manipulation of the image and purpose of your Website, I don’t know what is!”

85. On or about March 7, 2005, UTLM received an email, a copy of which is attached hereto as Exhibit 46 and incorporated by reference herein as though fully set forth at length, from yet another customer, Chris Hohnbaum, stating: “I went to

www.utahlighthouseministry.com [Exhibit 23] and found a different site, obviously not yours, talk about deceptive, let me tell you.”

86. UTLM has been continuously using the common law trademark, UTAH LIGHTHOUSE™, and the personal names of its founders, SANDRA TANNER™ and JERALD TANNER™ in association with the services of providing access to information in the form of books, online books, newsletters and Internet Web site, writing, publishing, selling and distributing books dealing with Christianity and critically analyzing the history and doctrines associated with Mormonism, in interstate commerce since at least as early as September 13, 1982. The mark UTAH LIGHTHOUSE™ is inherently distinctive.

87. On March 21, 2005, UTLM caused a federal trademark application for the mark, UTAH LIGHTHOUSE™, to be filed with the United States Patent and Trademark Office. Exhibit 47 attached hereto and incorporated by reference herein as though fully set forth at length, is a copy of the Trademark Electronic Search System Record for the UTAH LIGHTHOUSE™ trademark application.

88. On information and belief, FAIR makes substantial sales of its books, compact disks (CDs) and articles to persons or entities in the State of Utah.

89. On or about April 18, 2005, FAIR sold product in interstate commerce to Sandra Tanner at the UTLM in the State of Utah. The product is a CD titled “Impact of Mormon Critics on LDS Scholarship”, see a copy of the receipt for same attached hereto as Exhibit 48 and incorporated by reference herein as though fully set forth at length.

90. On information and belief, the Wyatt Web sites have been either independently hosted at the various domain names registered by ALLEN L. WYATT and/or DCE or redirected to one or more of the domain names utahlighthouse.com, sandratanner.com, utahlighthouseministry.com, geraldanner.com, geraldanner.org, utahlighthouse.org, utahlighthouseministry.org, sandratanner.org, jeraldanner.com, jeraldanner.org, utahlighthouse.info, jeraldanner.info and sandratanner.info at times prior to, during and after the filing of this Complaint. On information and belief, the Wyatt Web sites have all been operational for at least some point in time prior to the filing of this Complaint.

FIRST CLAIM FOR RELIEF

(Trademark Infringement - 15 U.S.C. § 1125(a)(1) and Common Law)

91. Plaintiff incorporates the allegations of each and every previous paragraph of this Complaint as if fully set forth herein.

92. Plaintiff has federal statutory and common law rights in the mark, UTAH LIGHTHOUSE™ and Plaintiff is accordingly entitled to use and to maintain infringement actions relating to the UTAH LIGHTHOUSE™ mark.

93. The Defendants have used and continue to use Plaintiff's UTAH LIGHTHOUSE™ mark and the personal names of UTLM founders, SANDRA TANNER™ and JERALD TANNER™ in the identical Wyatt Web sites hosted on at least thirteen (13) domain names to in order to mislead the public regarding the origin of services offered under the Wyatt Web sites

94. The Defendants are aware of the goodwill, reputation and value represented and symbolized by the UTAH LIGHTHOUSE™ mark and the personal names of UTLM founders

SANDRA TANNER™ and JERALD TANNER™. The Defendants are well aware that the UTAH LIGHTHOUSE™ mark is widely recognized and relied upon by the public to identify the services of Plaintiff and to distinguish them from the goods and services of others.

95. The Defendants, with knowledge of the goodwill, reputation and value represented and symbolized by the UTAH LIGHTHOUSE™ mark, and the personal names of UTLM founders SANDRA TANNER™ and JERALD TANNER™ and without license or authorization to use same, has used and continues to use in commerce Plaintiff's mark, UTAH LIGHTHOUSE™ mark, and the personal names of UTLM founders SANDRA TANNER™ and JERALD TANNER™ in unauthorized and unlicensed sales and offers for sale of goods on the Defendants' thirteen (13) substantially identical Web sites that deceive the consuming public as to the true origin and veracity of the information posted on the Defendants' thirteen (13) substantially identical Web sites.

96. Without authorization or license, the Defendants are using Plaintiff's mark, UTAH LIGHTHOUSE™ mark, and the personal names of UTLM founders SANDRA TANNER™ and JERALD TANNER™ in advertising, in offering for sale, and selling competing goods without notification to the public who the true owner and/or licensee is of the UTAH LIGHTHOUSE™ mark, and the personal names of UTLM founders SANDRA TANNER™ and JERALD TANNER™.

97. The Defendants' actions have likely caused actual confusion in the marketplace, see Exhibits 38-44, and are likely continue to cause confusion in the market place, or to cause mistake, or to deceive the consuming public in the future.

98. The actions of the Defendants are without consent of the Plaintiff and are in violation of Plaintiff's rights.

99. The Defendant's unauthorized use of Plaintiff's UTAH LIGHTHOUSE™ mark, and the personal names of UTLM founders SANDRA TANNER™ and JERALD TANNER™ and wrongful claim of ownership of same has been done willfully and knowingly in violation of Plaintiff's rights.

100. On information and belief, the Defendant's actions have caused Plaintiff to sustain monetary losses and other damage and injury.

101. The Defendants' actions have caused and, unless enjoined by this Court, will continue to cause irreparable damage, loss and injury to Plaintiff for which it has no adequate remedy at law.

102. The Plaintiff is entitled to an Order requiring the Defendants to identify all domain names that they have registered which infringe or are likely to infringe the intellectual property of Plaintiff and that may have hosted a Wyatt Web site or with the intent to host a Wyatt Web site thereon.

103. The Plaintiff is entitled to an Order requiring the Defendants to permanently take down all of the Wyatt Web sites and to transfer ownership at Defendants' cost of the domain names utahlighthouse.com, sandratanner.com, utahlighthouseministry.com, geraldanner.com, geraldanner.org, utahlighthouse.org, utahlighthouseministry.org, sandratanner.org, geraldanner.com, geraldanner.org, utahlighthouse.info, geraldanner.info and sandratanner.info and any other similarly offending domain names that Plaintiff is not yet aware, to Plaintiff.

104. The Plaintiff is entitled to damages for the infringing acts of the Defendants pursuant to 15 U.S.C. § 1117, the amount of which to be determined by an accounting and subject to proof at trial.

105. The Plaintiff is also entitled to an award of treble damages for the Defendant's willful infringement under 15 U.S.C. § 1117.

106. The Plaintiff is further entitled to recover costs of this action and attorneys fees under 15 U.S.C. § 1117.

SECOND CLAIM FOR RELIEF

(Unfair Competition - 15 U.S.C. § 1125(a)(1) and Common Law)

107. The Plaintiff incorporates the allegations of each and every paragraph of this Complaint as if fully alleged herein.

108. The actions of the Defendants in using Plaintiff's UTAH LIGHTHOUSE™ mark and claiming ownership of those marks constitutes false designation of origin and the false and misleading representation of fact which is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection or association of the Defendants with the Plaintiff, or as to the origin, sponsorship, or approval of Defendants by the Plaintiff.

109. The Defendant's use of Plaintiff's UTAH LIGHTHOUSE™ mark, and its wrongful claim of ownership of such marks, has been done willfully and knowingly in violation of Plaintiff's rights.

110. The Defendant's actions are being committed with the purpose and intent of misappropriating and trading upon the goodwill and reputation associated with Plaintiff's UTAH LIGHTHOUSE™ mark.

111. By reason of the foregoing, the Defendants have engaged in unfair competition pursuant to 15 U.S.C. § 1125(a)(1) and in violation of common law.

112. The Plaintiff is entitled to damages for the acts of unfair competition of the Defendants pursuant to 15 U.S.C. § 1117, the amount of which to be determined by an accounting and subject to proof at trial.

113. The Plaintiff is also entitled to an award of treble damages for the Defendant's willful acts of unfair competition pursuant to 15 U.S.C. § 1117.

114. The Defendant's conduct is wrongful, malicious, fraudulent, deliberate, willful and intentional, thereby making this case exceptional, and the Plaintiff is, therefore, entitled to recover costs of this action and attorneys fees under 15 U.S.C. § 1117.

THIRD CLAIM FOR RELIEF

(Unfair Competition - Utah "Unfair Competition Act", U.C.A. § 13-5a-101 *et seq.*)

115. The Plaintiff incorporates the allegations of each and every paragraph of this Complaint as if fully alleged herein.

116. Defendants' intentional business acts and practices of registering and using the thirteen domain names to host the Wyatt Web sites are unlawful, unfair or fraudulent.

117. Defendant's acts have led to a material diminution in value of Plaintiff's intellectual property, namely, Plaintiff's UTAH LIGHTHOUSE™ mark, and the personal names of UTLM founders SANDRA TANNER™ and JERALD TANNER™.

118. By reason of the foregoing, the Defendants have engaged in "unfair competition" as defined by the Utah "Unfair Competition Act", U.C.A. § 13-5a-101(4)(a).

119. The Plaintiff is entitled to damages for the acts of unfair competition of the Defendant's pursuant to U.C.A. § 13-5a-103(1)(b)(i), the amount of which to be determined by an accounting and subject to proof at trial.

120. The Plaintiff is also entitled to its costs and attorney fees pursuant to U.C.A. § 13-5a-103(1)(b)(ii), the amount of which to be determined at trial.

121. The Plaintiff is also entitled to punitive damages for the acts of unfair competition of the Defendants pursuant to U.C.A. § 13-5a-103(1)(b)(iii), at the discretion of the court.

FOURTH CLAIM FOR RELIEF

(Dilution - 15 U.S.C. § 1125(c) and Common Law)

122. The Plaintiff incorporates the allegations of each and every paragraph of this Complaint as if fully alleged herein.

123. The Plaintiff, UTLM, has used the UTAH LIGHTHOUSE™ mark for over two decades to identify its goods and services. The UTAH LIGHTHOUSE™ mark is famous among those persons interested in researching the origins of Mormonism and its doctrines. UTLM's detractors and those strongly protective of the LDS doctrine such as FAIR readily recognize the UTLM and its UTAH LIGHTHOUSE™ mark and the personal names of UTLM founders SANDRA TANNER™ and JERALD TANNER™, even if only based on knowledge of UTLM's critical beliefs.

124. The mark, UTAH LIGHTHOUSE™ and the personal names of UTLM founders, SANDRA TANNER™ and JERALD TANNER™, are distinctive among those persons interested in researching the origins of Mormonism and its doctrines including both adherents of UTLM's beliefs and those promulgated by FAIR.

125. The Defendants' use of UTLM's mark, UTAH LIGHTHOUSE™ and the personal names of UTLM founders SANDRA TANNER™ and JERALD TANNER™ have diluted and will continue to dilute, the distinctive quality of UTLM's mark and personal names, all in violation of 15 U.S.C. § 1125(c) and Common Law.

126. Defendant's acts complained of herein have damaged, and will continue to damage, UTLM irreparably. UTLM has no adequate remedy at law for these wrongs and

injuries. The damage to UTLM includes harm to the value and good will associated with the UTAH LIGHTHOUSE™ mark that money cannot compensate.

127. UTLM is, therefore, entitled to a preliminary and permanent injunction restraining and enjoining Defendants and their agents, servants and employees, and all persons acting thereunder, in concert therewith or on their behalf, from registering or using the domain names utahlighthouse.com, sandratanner.com, utahlighthouseministry.com, geraldanner.com, geraldanner.org, utahlighthouse.org, utahlighthouseministry.org, sandratanner.org, geraldanner.com, geraldanner.org, utahlighthouse.info, geraldanner.info and sandratanner.info or any other colorable imitations whether known or unknown to Plaintiff at any time in the past or in the future.

128. UTLM is also entitled to a preliminary and permanent injunction restraining and enjoining Defendants and their agents, servants and employees, and all persons acting thereunder, in concert therewith or on their behalf, from otherwise using the UTAH LIGHTHOUSE™ mark and the personal names of UTLM founders SANDRA TANNER™ and JERALD TANNER™ or any colorable imitations thereof, in connection with the sale, offering for sale and advertising of products and services or in any manner likely to dilute the UTLM marks.

FIFTH CLAIM FOR RELIEF

(Cybersquatting - 15 U.S.C. § 1125(d)(1))

129. The Plaintiff incorporates the allegations of each and every paragraph of this Complaint as if fully alleged herein.

130. The Defendants registration and commercial use of the domain names utahlighthouse.com, sandratanner.com, utahlighthouseministry.com, geraldanner.com, geraldanner.org, utahlighthouse.org, utahlighthouseministry.org, sandratanner.org, jeraldanner.com, jeraldanner.org, utahlighthouse.info, jeraldanner.info and sandratanner.info and the hosting of the Wyatt Web sites thereon constitutes unlawful cybersquatting in that the Defendants have, knowingly and with a bad faith intent to profit, registered and used thirteen domain names that are identical or virtually identical to, confusingly similar to and dilutive of Plaintiff's distinctive and famous mark, UTAH LIGHTHOUSE™ and the personal names of UTLM founders SANDRA TANNER™ and JERALD TANNER™.

131. By reason of the foregoing, the Defendants have violated and are continuing to violate 15 U.S.C. § 1125(d)(1).

132. Defendants' acts complained of herein have damaged, and will continue to damage, Plaintiff, UTLM, irreparably. UTLM has no adequate remedy at law for these wrongs and injuries. The damage to the UTLM includes harm to the value and good will associated with the UTAH LIGHTHOUSE™ mark and the personal names of UTLM founders SANDRA TANNER™ and JERALD TANNER™ that money cannot compensate.

133. Plaintiff is, therefore, entitled to a preliminary and permanent injunction restraining and enjoining Defendants and their agents, servants and employees, and all persons acting thereunder, in concert therewith or on their behalf, from registering or using the domain names utahlighthouse.com, sandratanner.com, utahlighthouseministry.com, geraldanner.com, geraldanner.org, utahlighthouse.org, utahlighthouseministry.org, sandratanner.org, jeraldanner.com, jeraldanner.org, utahlighthouse.info, jeraldanner.info and sandratanner.info or any other colorable imitations whether known or unknown to Plaintiff at any time in the past or in the future.

134. The Defendant's acts constitute unlawful cybersquatting. Pursuant to 15 U.S.C. § 1125(a)(1)(c), Plaintiff is entitled to an order transferring the domain names utahlighthouse.com, sandratanner.com, utahlighthouseministry.com, geraldanner.com, geraldanner.org, utahlighthouse.org, utahlighthouseministry.org, sandratanner.org, jeraldanner.com, jeraldanner.org, utahlighthouse.info, jeraldanner.info and sandratanner.info to UTLM.

135. The Defendant's acts of infringement are, and have been willful. Accordingly, Plaintiff is entitled to recover three times its damages and defendant's profits, as well as the costs of the suit and reasonable attorney's fees, pursuant to 15 U.S.C. §§ 1117(a) and 1125(d)(1).

136. As an alternative to its actual damages, Plaintiff is entitled to recover statutory damages in an amount not less than \$1,000 and not more than \$100,000, per domain name, as the court considers just, pursuant to 15 U.S.C. § 1117(d).

SIXTH CLAIM FOR RELIEF

(Trade Dress Infringement - 15 U.S.C. § 1125(a)(1))

137. The Plaintiff incorporates the allegations of each and every paragraph of this Complaint as if fully alleged herein.

138. Plaintiff's trademark UTAH LIGHTHOUSE™ and the personal names of UTLM founders SANDRA TANNER™ and JERALD TANNER™ are inherently distinctive or have acquired distinctiveness through secondary meaning in the marketplace.

139. The layout or trade dress of Plaintiff's Web site, Exhibit 1, is arbitrary, aesthetically pleasing, and not predominantly utilitarian or necessary for the functionality of the UTLM Web site.

140. The layout of Defendant's Wyatt Web sites is confusingly similar to Plaintiff's UTLM Web site.

141. There is a likelihood that an appreciable number or ordinarily prudent purchasers are likely to be misled, or indeed simply confused, as to the source of the goods in question because of Defendant's Wyatt Web sites.

142. The Plaintiff is entitled to damages for the acts of trade dress infringement of the Defendants pursuant to 15 U.S.C. § 1117, the amount of which to be determined by an accounting and subject to proof at trial.

143. The Plaintiff is also entitled to an award of treble damages for the Defendant's willful acts of trade dress infringement pursuant to 15 U.S.C. § 1117.

144. The Defendant's conduct is wrongful, malicious, fraudulent, deliberate, willful and intentional, thereby making this case exceptional, and the Plaintiff is, therefore, entitled to recover costs of this action and attorneys fees under 15 U.S.C. § 1117.

WHEREFORE, the Plaintiff prays for judgment against the Defendants and in favor of the Plaintiff:

- a. That the Court adjudges the Plaintiff's trademark UTAH LIGHTHOUSE™ valid and infringed by the Defendants;
- b. That the Court adjudge that the Defendants' conduct violated the Lanham Act;
- c. That the Court adjudge that the Defendants have violated the Utah Unfair Competition Act;
- d. That the Court orders Defendants to account for all revenue derived from the unlawful conduct alleged above;
- e. That the Court orders Defendants to disclose all domain names that it has registered;
- f. That the Court orders Defendants to transfer ownership of the thirteen domain names utahlighthouse.com, sandratanner.com, utahlighthouseministry.com, geraldanner.com,

geraldtanner.org, utahlighthouse.org, utahlighthouseministry.org, sandratanner.org, jeraldtanner.com, jeraldtanner.org, utahlighthouse.info, jeraldtanner.info and sandratanner.info and any other colorable imitations registered by Defendants whether known or unknown to Plaintiff at any time in the past or in the future to Plaintiff pursuant to 15 U.S.C. § 1125(d)(1)(C);

g. That the Court orders Defendants to transfer ownership of the thirteen domain names to Plaintiff at Defendants' cost;

h. That Plaintiff be awarded damages for the infringement of Plaintiff's trademark UTAH LIGHTHOUSE™ in an amount to be determined by the Court;

i. That Plaintiff be awarded treble damages and any other damages that may be awarded under 15 U.S.C. § 1117 for infringement of Plaintiff's trademark UTAH LIGHTHOUSE™;

j. That Plaintiff be awarded its costs and attorneys fees for bringing this action pursuant to 15 U.S.C. § 1117;

k. That Plaintiff be awarded damages for unfair competition relating to the unauthorized use of the Plaintiff's trademark UTAH LIGHTHOUSE™, in an amount to be determined by the Court;

l. That Plaintiff be awarded treble damages and any other damages that may be awarded under 15 U.S.C. § 1117 for unfair competition arising from the unauthorized use of Plaintiff's trademark UTAH LIGHTHOUSE™;

m. That Plaintiff be awarded treble damages and any other damages that may be awarded under 15 U.S.C. § 1117 for trade dress infringement arising from the unauthorized use of Plaintiff's UTLM Web site layout;

n. The Defendants be permanently enjoined from further registration and use of domain names that infringe Plaintiff's trademark rights;

- o. That Plaintiff be awarded actual damages for Defendants' violation of the Utah Unfair Competition Act in an amount to be determined at trial;
- p. That Plaintiff be awarded punitive damages for Defendants' violation of the Utah Unfair Competition Act in an amount to be determined at trial;
- q. That Plaintiff be awarded its costs and attorneys fees for bringing this action for Defendants' violation of the Utah Unfair Competition Act in an amount to be determined at trial;
- r. That Plaintiff be awarded damages for lost profits in an amount to be determined at trial;
and
- s. For such other and further relief in the premises as the Court may deem just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury of all issues so triable.

DATED this 25th day of April, 2005.

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